



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner Highlights PATRIOT Act Conference Report Civil Liberty Safeguard #2

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today highlighted another one of the dozens of civil liberties safeguards included in the PATRIOT Act conference report approved last month by a bipartisan majority of the House and pending before the U.S. Senate.

PATRIOT Act Conference Report Civil Liberty Safeguard #2 – Statement of Facts Showing Relevance to a Terrorism or Foreign Spy Investigation Required for Section 215 Requests:

Section 215 of the PATRIOT Act authorizes the Director of the Federal Bureau of Investigation or a designee of the Director to apply to the Foreign Intelligence Surveillance Act (FISA) Court for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for a foreign terrorism or spy investigation. This authority provides counterterrorism and law enforcement officials a helpful and less invasive tool to both uncover what activities suspected terrorists or spies are engaged in and clear innocent people suspected of terrorism or spying. Without Section 215 authority, counterterrorism and law enforcement officials seeking to discover whether a person is involved in terrorism or spying activity would be forced to use more invasive investigative techniques such as obtaining a search warrant.

Current law only requires that an application for a Section 215 order state that the requested records are sought for an authorized investigation to collect foreign terrorism or spy information. **The conference report requires that a Section 215 application must include a statement of facts demonstrating that the records sought are “relevant” to an authorized investigation to obtain terrorism or foreign intelligence information.** This statement of facts requirement contains language offered by Senator Leahy. **This statement of facts civil liberty safeguard contained in the conference report does not exist under current law.**

In addition, the conference report maintains the specific prohibition that the requested information not concern a U.S. person unless it is to protect against international terrorism or spying activities.

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